

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Heinrich Bauschulte et al.  
Serial No: 10/004,154  
Filed: 10/30/2001  
Title: Cutting or Breaking Tool as well as Cutting Insert for the Latter  
Examiner: Willmon Fridie Jr.  
Art Unit: 3722

**Commissioner for Patents**

**Alexandria, VA 22313-1450**

RESPONSE TO OFFICE ACTION DATED 2/22/2007

In response to the office action dated 2/22/2007, applicant submits the following remarks.

**REMARKS**

Claims 8 to 28 are pending in the application.

**Rejection under 35 U.S.C. 102**

Claims 8-28 stand rejected under 35 U.S.C. 102(e) as being anticipated by *Emmerich (US 6,019,434)*.

The examiner argues that the cited reference discloses a cutting insert (20) that can be mounted in a tool holder that can be rotated about its longitudinal axis wherein the cutting insert has an essentially conical tip (22), a transition region, and a foot (40) for connecting with a tool body (10), wherein the transition region has several spatial areas (24) distributed over the periphery and adjoining one another to form spatial and cutting edges. The spatial areas are curved concavely and inclined so that they enclose an acute angle to the longitudinal axis. The spatial areas are rounded as they change into the foot (40).